

FILED

1. Defendant AARON SCOTT VIGIL ("VIGIL") was a sworn police officer with the Rialto Police Department in the City of Rialto, California, and a duly deputized Task Force Officer with

1 the Riverside, California office of the United States Drug
2 Enforcement Administration ("DEA"). As a DEA Task Force Officer,
3 defendant VIGIL was a "public official" within the meaning of
4 Title 18, United States Code, Section 201(a)(1), because he was a
5 person authorized to act for and on behalf of the United States
6 and the DEA, an agency of the United States Government.

7 2. Defendant LAWRENCE ANTHONY WITSOE ("WITSOE") was a
8 criminal defense attorney with an office in Santa Ana,
9 California.

10 3. In June 2009, the Orange County District Attorney's
11 Office ("OCDA") charged an individual (hereinafter referred to as
12 "CS") with misdemeanor assault and battery in the Superior Court
13 of the State of California, County of Orange, (hereinafter, "the
14 State Assault Case"), and CS retained defendant WITSOE to
15 represent him in the State Assault Case.

16 B. OBJECT OF THE CONSPIRACY

17 4. Beginning on a date unknown, but as early as in or
18 around June 2009, and continuing to on or about December 24,
19 2009, in Orange County, within the Central District of
20 California, defendant VIGIL and defendant WITSOE, together with
21 other persons, conspired and agreed with each other to corruptly
22 demand, seek, receive, accept, and agree to receive and accept a
23 bribe, in violation of Title 18, United States Code, Section
24 201(b)(2).

25 C. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE
26 ACCOMPLISHED

27 5. The object of the conspiracy was to be accomplished in
28 substance as follows:

1 a. Defendant WITSOE would offer to CS the opportunity
2 to participate in a fraudulent scheme in which, in exchange for
3 CS's agreement to pay \$2,500 over and above defendant WITSOE's
4 standard fee, defendant WITSOE and a "DEA agent," namely,
5 defendant VIGIL, would ask the OCDA to dismiss or provide some
6 favorable disposition of the State Assault Case based on false
7 representations that CS had cooperated with and provided
8 substantial assistance to the DEA.

9 b. After seeking and obtaining CS's agreement to pay
10 the bribe money and agreeing to accept the payment for defendant
11 VIGIL, defendant WITSOE would provide the OCDA with defendant
12 VIGIL's contact information.

13 c. Defendant VIGIL would contact the OCDA and falsely
14 represent that CS had previously cooperated with the DEA by
15 providing information regarding subjects involved in drug-
16 trafficking activities.

17 d. After making such false representations to the
18 OCDA and being advised that the State Assault Case would be
19 dismissed, defendant VIGIL would notify defendant WITSOE of the
20 dismissal and cause defendant WITSOE to seek and obtain payment
21 of the bribe money from CS.

22 e. Defendant WITSOE would tell CS to deposit the
23 \$2,500 bribe payment into defendant WITSOE's trust account, from
24 which defendant WITSOE would disburse the funds, as defendant
25 VIGIL directed, to trusted intermediaries, namely, A.F.S., a
26 close personal friend of defendant VIGIL, and A.F.S.'s former
27 wife.
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1 D. OVERT ACTS

2 6. In furtherance of the conspiracy and to accomplish the
3 object of the conspiracy, defendant VIGIL and defendant WITSOE,
4 together with other persons, committed and caused others to
5 commit various overt acts in Orange County, within the Central
6 District of California, including but not limited to the
7 following:

8 OVERT ACT #1: In or around September 2009, defendant
9 WITSOE told CS that, in exchange for CS's payment of an extra
10 \$1,000, defendant WITSOE could potentially get CS's case
11 dismissed by having a DEA agent call the OCDA and falsely tell
12 the OCDA that CS had cooperated with the DEA.

13 OVERT ACT #2: On or about November 10, 2009, defendant
14 VIGIL, identifying himself as a law enforcement officer with the
15 DEA, contacted Deputy District Attorney ("DDA") R.Z. via
16 telephone, falsely stated that CS had performed work for the DEA,
17 and asked that the OCDA consider CS's work in determining the
18 proper resolution of CS's State Assault Case.

19 OVERT ACT #3: On or about November 17, 2009, defendant
20 WITSOE told CS that, in exchange for \$2,500, defendant WITSOE
21 could get CS's State Assault Case dismissed or reduced by having
22 a DEA agent falsely represent to the OCDA that CS had cooperated
23 with the DEA.

24 OVERT ACT #4: On or about November 20, 2009, defendant
25 WITSOE told CS that if the State Assault Case were dismissed, CS
26 should transmit the payment for the dismissal to defendant
27 WITSOE's investigator, who would then pay another person.
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1 OVERT ACT #5: On or about November 20, 2009, defendant
2 WITSOE told CS that, if CS agreed to pay an extra \$2,500 in
3 exchange for dismissal of his case, defendant WITSOE would
4 provide the DEA agent's contact information to the DDA handling
5 CS's State Assault Case.

6 OVERT ACT #6: On or about November 24, 2009, defendant
7 WITSOE gave defendant VIGIL's contact information to DDA R.Z.,
8 told DDA R.Z. that CS had worked with the DEA, and requested a
9 dismissal of the State Assault Case in exchange for CS's
10 assistance.

11 OVERT ACT #7: On or about December 3, 2009, defendant VIGIL
12 called Senior DDA D.H., identified himself as a DEA Task Force
13 Officer, and falsely represented that CS provided: (a) reliable
14 information related to narcotics cases; (b) reliable information
15 related to the DEA's seizure of \$110,000; and (c) reliable
16 information regarding a person who was a main target of a Los
17 Angeles Sheriff's Department investigation.

18 OVERT ACT #8: On or about December 4, 2009, defendant
19 WITSOE left a voicemail message for CS, stating that he needed to
20 talk with CS and instructing CS to "[m]ake sure you don't talk to
21 anybody."

22 OVERT ACT #9: On or about December 6, 2009, defendant
23 WITSOE gave CS defendant VIGIL's name and cellular telephone
24 number and the facts of the fraudulent story provided by
25 defendant VIGIL to the Senior DDA so that CS could repeat the
26 information in the event the OCDA or the DEA contacted CS about
27 his purported cooperation.
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1 OVERT ACT #10: On or about December 7, 2009, defendant
2 VIGIL sent Senior DDA D.H. an e-mail reaffirming that CS had
3 worked with the DEA on separate occasions in the past and noting
4 that defendant VIGIL would be happy to work with CS again in the
5 future if CS wanted to provide "more information."

6 OVERT ACT #11: On or about December 7, 2009, defendant
7 VIGIL forwarded an e-mail to defendant WITSOE from the OCDA which
8 stated that CS's State Assault Case would be dismissed based on
9 defendant VIGIL's representations of CS's work with the DEA.

10 OVERT ACT #12: On or about December 7, 2009, defendant
11 WITSOE told CS that his case was being dismissed and directed CS
12 to deposit \$2,500 into defendant WITSOE's trust account.

13 OVERT ACT #13: On or about December 7, 2009, defendant
14 WITSOE forwarded to CS the OCDA e-mail regarding dismissal of
15 CS's case and provided CS with the routing number for defendant
16 WITSOE's trust account.

17 OVERT ACT #14: On or about December 8, 2009, defendant
18 WITSOE instructed CS: (a) not to discuss the fraud with anyone;
19 (b) to deposit the \$2,500 into defendant WITSOE's account as soon
20 as possible; and (c) to delete the e-mail that defendant WITSOE
21 sent to CS the previous night.

22 OVERT ACT #15: On or about December 10, 2009, defendant
23 WITSOE signed a check in the amount of \$2,500 payable to Y.C.,
24 A.F.S.'s former wife, with the memo line stating "Client
25 Reimbursement."
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COUNT TWO

[18 U.S.C. § 201(b)(1); § 2]

7. The Grand Jury hereby repeats and incorporates herein paragraphs one through three above.

8. Beginning in or around September 2009, and continuing to on or about December 24, 2009, in Orange County, within the Central District of California, defendant WITSOE, directly and indirectly, corruptly gave, offered, and promised a thing of value, namely, money in the amount of \$2,500, to defendant VIGIL, a public official, and offered and promised defendant VIGIL to give such thing of value to another person, namely, defendant VIGIL's friend, A.F.S., with the intent to influence an official act and to induce such public official to do and omit to do an act in violation of the lawful duty of such official, specifically, having defendant VIGIL, in his capacity as a DEA Task Force Officer, contact the Orange County District Attorney's Office and ask that it dismiss the State Assault Case against CS based on false representations that CS had cooperated with the DEA.

COUNT THREE

[18 U.S.C. § 201(b)(2); § 2]

9. The Grand Jury hereby repeats and incorporates herein paragraphs one through three above.

10. Beginning in or around September 2009, and continuing to on or about December 24, 2009, in Orange County, within the Central District of California, defendant VIGIL, being a public official, directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept something of value, that is, money in the amount of \$2,500, personally and for another person, namely, defendant VIGIL's friend, A.F.S., in return for defendant VIGIL being influenced in the performance of official acts and being induced to do and omit to do an act in violation of the official duty of such official, specifically, having defendant VIGIL, in his capacity as a DEA Task Force Officer, contact the Orange County District Attorney's Office and ask that it dismiss the State Assault Case against CS based on false representations that CS had cooperated with the DEA.

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1 11. At the above time and place, defendant WITSOE aided,
2 abetted, counseled, induced, and procured the commission of the
3 offense alleged above in this Count.

4 A TRUE BILL

5 /S/
6

7 Foreperson
8

9 ANDRÉ BIROTTE JR.
10 United States Attorney

11 
12 ROBERT E. DUGDALE
13 Assistant United States Attorney
14 Chief, Criminal Division

15 DENNISE D. WILLETT
16 Assistant United States Attorney
17 Chief, Santa Ana Branch Office

18 TERRI K. FLYNN
19 Assistant United States Attorney
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21 ROBERT J. KEENAN
22 Assistant United States Attorney
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